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10/537,130	06/02/2005	Laszlo Hars	US020481	8493

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EXAMINER
TRAORE, FATOUMATA

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 February 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 June 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/02/2005</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

1.   This action is in response of the original filing of June 2, 2005. Claims 1- 42 are

pending and have been considered below.

Preliminary Amendments

2.   Acknowledge is made to preliminary amendment filed on June 2, 2005.

Specification

The following guidelines illustrate the preferred layout for the specification of a
utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should
include the following sections in order. Each of the lettered items should appear in
upper case, without underlining or bold type, as a section heading. If no text follows the
section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
        DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
        COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
        (1) Field of the Invention.
        (2) Description of Related Art including information disclosed under 37
        CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A
        "Sequence Listing" is required on paper if the application discloses a

nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if
the required "Sequence Listing" is not submitted as an electronic
document on compact disc).

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 06/02/2005 is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-18, 20-35 and 37-42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yamada et al (EP 1 235 389 A1) in view of Marz (US 5805802)..

Claims 1, 22 and 34: Yamada et al discloses a network and a method of joining

a non network device to a network and for leaving a network comprising:

M devices such that 1VP1, each device of the M devices having a real or virtual

token counter that stores a token count of not less than zero, wherein an

equation M + S = K must be satisfied, wherein M is a variable that changes when

devices join or leave the network, wherein S denotes the number of tokens in the

network and is numerically equal to a summation of the token counts over the M

devices, wherein K is a characteristic constant of the network having an integer value of at least 2 that is established upon creation of the network(*paragraphs [0079], [0171], [0193]*);

network rules, comprising a joining rule(*authentication performed on the transmission unit*) for effectuating a non-network device DJ joining the network and a leaving rule(*authentication performed on the reception unit*) for effectuating a device DL of the M devices leaving the network(*paragraphs [0153], [0172], [0179]*); and

the network not including a server device for managing the number of devices in the network(*paragraph [0179]*).*But does not explicitly discloses* wherein an equation M + S = K must be satisfied, wherein M is a variable that changes when devices join or leave the network, wherein S denotes the number of tokens in the network and is numerically equal to a summation of the token counts over the M devices. However, Marz discloses a module for the protection of software in a computer network , which further discloses wherein an equation M + S = K must be satisfied, wherein M is a variable that changes when devices join or leave the network, wherein S denotes the number of tokens in the network and is numerically equal to a summation of the token counts over the M devices(column 1, line 65 to column 2, line 55). Therefore, it would haven obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Yamada et al such as to limit the maximum number of license. One would have been motivated to do so in order to provide a protection module and a

method for the protection of software within a network. by <u>Marz</u> (*column 1, lines 65-67*).

Claims 2 and 23*:* <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 1 and 22 above, and <u>Yamada et al</u> further discloses that said joining rule requiring DJ to be connected to a device DX of the M devices and while DJ is connected to the device DX a joining protocol must be executed by which DX authenticates DJ and by which DJ authenticates DX, and if said authentications are established through said joining protocol then DJ is joined to the network if S>0 and the joining protocol adjusts the token counts of the M devices such that S is decremented by 1 and the number of devices M of the network is incremented by 1 so that said equation is satisfied upon the joining of DJ to the network, wherein if each of said authentications are not established then DJ is not joined to the network through the connection between DJ and DX(*paragraphs [0199], [0200]*).

Claims 3 and 24*:* <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 1 and 22 above, and <u>Yamada et al</u> further discloses that wherein prior to the attempt by DJ to join the network the device DX has a token count CX of at least 1, and wherein upon the joining of DJ to the network said decrementing S by 1 is effectuated by decrementing the token count of DX by I+a and setting the token count of DJ to ~ wherein ot is a positive integer in the range of $0 \pounds ~\pounds CX-1$(paragraphs [0064] , [0202]).

Claims 4 and 25: <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 3 and 24 above, and <u>Yamada et al</u> further discloses wherein CX =1, and wherein =0 (*paragraph [0202]*).

Claims 5 and 26: <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 3 and 24 above, and <u>Yamada et al</u> further discloses wherein CX >1, and wherein cr=(CX-1)/2 rounded downward to the next lowest integer if (CX-1)/2 is not an integer (*paragraph [0202]*).

Claims 6 and 27 <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 3 and 24 above, and <u>Yamada et al</u> further discloses wherein CX >1, and wherein cr=(CX-1)/2 rounded downward to the next lowest integer if (CX-1)/2 is not an integer (*paragraph [0202]*).

Claims 7 and 28 <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 2 and 23 above, and <u>Yamada et al</u> further discloses wherein prior to the attempted joining of DJ the device DX has a token count CX of zero which bars DJ from joining the network through the connection between DJ and DX(*paragraphs [0208]-[0212]*).

Claims 8 and 29: <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 2 and 23 above, and <u>Yamada et al</u> further discloses, wherein prior to the attempted joining of DJ the

device DX has a token count CX of zero and M>I, wherein during execution of the joining protocol DX is directly or indirectly connected to another device DXX of the M devices, wherein DXX has a token count of at least 1, and wherein upon the joining of DJ to the network said decrementing S by 1 is effectuated by decrementing the token count of DXX by 1 and setting the token count of DJ to zero (*paragraphs [0225]-[0233]*).

Claims 9 and 35 <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of leaving the network as in claims 1 and 34 above, and <u>Yamada et al</u> further discloses that said leaving rule requiting DL to be connected to a device DY of the M devices and while DL is connected to the device DY a leaving protocol must be executed by which DY authenticates DL and by which DL authenticates DY, and if said authentications are established through said leaving protocol then DL is deleted (*detached*)from the network and the leaving protocol adjusts the token counts of the remaining M-1 devices such that S is incremented by I+CL wherein CL is the token count of DL and the number of devices M of the network is decremented by 1 so that said equation is satisfied upon the leaving of DL from the network, wherein if each of said authentications are not established then DL is not permitted to leave the network through the connection between DL and DY(paragraphs [0053], [0054], [0058]).

Claims 10 and 36: <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of leaving the network as in claims 9 and 35 above, and <u>Yamada et al</u> further discloses wherein upon the leaving of DL from the network said incrementing S

by 1 is effectuated by incrementing the token count of DY by I+CL(*paragraphs [0326]-[0330]*).

Claims 11 and 37: Yamada et al and Marz disclose a network and a method of leaving the network as in claims 9 and 35 above, and Yamada et al further discloses wherein M>2 prior to the leaving of DL from the network, wherein upon the leaving of DL from the network said incrementing S by 1 is effectuated by incrementing the token count of DY and the token counts of another J" devices of the M devices to which DY is directly or indirectly connected such that SJ+I is incremented by 1 +CL, and wherein SJ+I denotes a summation of the token counts over DY and the J devices(*paragraphs [0326]-[0330]*).

Claims 12 and 38: Yamada et al and Marz disclose a network and a method of leaving the network as in claims 11 and 37 above, and Yamada et al further discloses wherein the token count of DY and the token counts of J devices are individually incremented such that the resultant total token counts of DY and the J devices are approximately uniformly distributed among DY and the J devices (*paragraphs [0326]-[0330]*).

Claims 13 and 39: Yamada et al discloses a network and a method of joining a non network device to a network as in claims 11 and 37 above, and Yamada et al further discloses wherein the token count of DY and the token counts of J devices are individually incremented such that the I+CL tokens are approximately uniformly distributed among DY and the J devices(*paragraphs [0064]*).

Claims 14 and 40: <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of leaving the network as in claims 11 and 37 above, and <u>Yamada et al</u> further discloses wherein the token count of DY and the token counts of J devices are individually incremented such that the I+CL tokens are randomly distributed among DY and the J devices(*paragraphs [0051],[0096]*)

Claim 15: <u>Yamada et al</u> and <u>Marz</u> disclose a network as in claim 1 above, and <u>Yamada et al</u> further discloses wherein the network rules comprise a token redistribution rule which prescribes at least one condition that triggers a redistribution of the S tokens among the M devices, and wherein the token redistribution rule further prescribes an algorithm for effectuating said redistribution n, and wherein the algorithm takes into account the condition that triggered the redistribution(*paragraph [0097]*).

Claim 16: <u>Yamada et al</u> and <u>Marz</u> disclose a network as in claim 1 above, and <u>Yamada et al</u> further discloses wherein none of the M devices are required to be connected to any other device of the M devices, and when a given device of the M devices connects with another device of the M devices then the given device and the another device must each execute a connection protocol verifying each other's authenticity(*paragraph [0048]*).

Claims 17 and 30: <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 1 and 22 above, and <u>Yamada et al</u> further discloses wherein each device of the M devices has a memory for storing capability flags which are unique to each device, and wherein

the joining protocol and leaving protocol each take into account at least one of

said capability flags(paragraphs [0051]).

Claims 18, 31 and 41: Yamada et al and Marz disclose a network and a method

of joining and leaving a non network device to a network as in claims 1,22 and

34 above, and further discloses wherein each device of the M devices has a

memory for storing a same network data structure that comprises network

information that is not unique to any device of the M devices(*Fig.2, item 27; Fig.

5, item 27*).

Claims 20 and 42: Yamada et al and Marz disclose a network and a method of

leaving a non network device to a network as in claims 1 and 34 above, and

Yamada et al further discloses wherein the device DL must destroy (delete)any

stored content upon leaving the network(*paragraph [0050]*).

Claims 21 and 33: Yamada et al and Marz disclose a network and a method of

joining a non network device to a network as in claims 1 and 22 above, and

Yamada et al further discloses wherein if DJ is joined to the network then the

joining protocol provides DJ with an decryption key and provides DJ with an

encryption key if DJ has a real token counter but does not provide DJ with said

encryption key if DJ has a virtual token counter.(*paragraph [0052]*).

6.   Claims 19 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yamada et al (EP 1 235 389 A1) in view of Marz (US 5,805,802) in further view of

Candelore et al (US 7,225,164).

Claims 19 and 36: <u>Yamada et al</u> and <u>Marz</u> disclose a network and a method of joining a non network device to a network as in claims 16 and 31 above, while neither of them explicitly and further discloses wherein the network data structure comprises a revocation list of rogue devices, wherein the joining protocol does not permit DJ to be joined to the network if DJ is on the revocation list. However, <u>Candelore et al</u> discloses a method for implementing revocation list a network, which further discloses wherein the network data structure comprises a revocation list of rogue devices, wherein the joining protocol does not permit DJ to be joined to the network if DJ is on the revocation list (*Fig. 4*). Therefore, it would haven obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of such as to implement a revocation list. One would have been motivated to do so in order to control reproduction and recording of digital content as taught by <u>Candelore et al</u> (*column 1, lines 5-15*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone

number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft

or Informal faxes, which will not be entered in the application, may be submitted directly

to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group Receptionist whose telephone number is

(571) 272-2100.

FT
Monday, June 23, 2008

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2136